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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/873,778

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Chris Felcman

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P01-3732

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03/17/2003

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EXAMINER

NGUYEN, ANTHONY H

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 03/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,778

Applicant(s)

FELCMAN ET AL.

Examiner

Anthony H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) 7-14, 16-20, 29-36, 38-42 and 44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 15, 21-28, 37, 43 and 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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Applicant's election of Group I (Fig. 3), claims 1-6, 15, 21-28, 37,43 and 45 in Paper No. 7 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Accordingly, claims 7-14,16-20,29-36,38-42 and 44 are withdrawn from further consideration by the examiner, 37 C.F.R. § 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 15, 21-25, 37, 43 and 45 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Leung (US Des. 350,126) in view of Schwartz et al. (US 5,841,076).

Leung teaches a keyboard having substantially the structure as broadly recited. For example, Leung teaches a keyboard having a keypad 1, a track ball mechanism 2 and an actuation mechanism 3 which is located less than one inch from the keypad as shown in Figs. 1 and 6 of Leung (the numeral references are assigned by the Examiner).

Leung fails to teach clearly the actuation mechanism which is a scroll mechanism.

However, Schwartz et al. teaches a keyboard 17 having a scroll mechanism 863,864 (Schwartz et al., Fig.13, col.18 lines 61-65).

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Therefore, in view of the teaching of Schwartz et al., it would have been obvious to one of ordinary skill in the art to modify the keyboard of Leung by replacing the scroll mechanism as taught by Schwartz et al. for optimum operating of a keyboard in place of the actuation mechanism of Leung. With respect to claims 2 and 24, the use of a "QWERTY" keypad is extremely conventional. With respect to claims 3 and 25, note the two buttons (A and B) are positioned adjacent to the track ball 2.

Claims 4 and 26 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Leung in view of Schwartz et al. as applied to claims 1-3, 15, 21-25, 37, 43 and 45 above, and further in view of Moreno (US 6,351,225 B1).

Leung and Schwartz et al. teach a keyboard having substantially the structure as broadly recited.

Leung and Schwartz et al. fail to teach a device used to scroll left and a device used to scroll right.

However, Moreno teaches a keyboard 10 having a device 62 for scrolling left and right (Moreno., Figs.2, 4 and 5, col.7 lines 28-32).

Therefore, in view of the teaching of Moreno, it would have been obvious to one of ordinary skill in the art to modify the keyboard of Leung by providing the device used to scroll left and the device used to scroll right as taught by Moreno for optimum operating of a keyboard.

Claims 5, 6, 27 and 28 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Leung in view of Schwartz et al. as applied to claims 1-3, 15, 21-25, 37, 43 and 45 above, and further in view of Terasawa et al. (US 6,016,139).

Leung and Schwartz et al. teach a keyboard having substantially the structure as broadly recited.

Leung and Schwartz et al. fail to teach an up/down scroll button.

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However, Terasawa et al. teaches a control pad 3 having a button 9 which can fast forward or rewind the magnetic tape (Terasawa et al., Fig. 1A, col.10, lines 7-10).

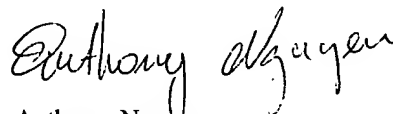
Therefore, in view of the teaching of Terasawa et al., it would have been obvious to one of ordinary skill in the art to modify the keyboard of Leung and Schwartz et al. by substituting the button as taught by Terasawa et al. for quickly scrolling back and forward in place of the scroll mechanism 863, 864 of Schwartz et al.

Conclusion

The patents to Mäkelä et al., and Martinez et al. are cited to show other structures having obvious similarities to the claimed structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (703) 308-2869. The examiner can normally be reached daily from 9 AM to 5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (703) 305-6619. The fax phone number for this Group is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



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3/6/03
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